

AUSTIN ENERGY 2016 RATE REVIEW

AUSTIN ENERGY'S TARIFF PACKAGE §
UPDATE OF THE 2009 COST OF § BEFORE THE CITY OF AUSTIN
SERVICE STUDY AND PROPOSAL TO § IMPARTIAL HEARING EXAMINER
CHANGE BASE ELECTRIC RATES §

NXP Semiconductors and Samsung Austin Semiconductor, LLCs' Objection to Independent Consumer Advocate's First Request for Information

NXP Semiconductor, Inc. ("NXP") and Samsung Austin Semiconductor, LLC, ("Samsung") (collectively, "Customers"), each on its own behalf, by and through its attorneys of record, files this Objection to the Independent Consumer Advocate's (ICA's) First Request for Information. Pursuant to the March 10, 2016 Revised Procedural Schedule, the last day to submit discovery requests regarding Intervenors', ICA's Direct and Cross-Rebuttal Presentations was May 17, 2016. *City of Austin Procedural Rules for the Initial Review of Austin Energy's Rates* (Procedural Rule) § 3.1(e), states "[a]ll documents shall be filed **by 12:00 p.m. on the due date**, unless otherwise ordered by the Impartial hearing Examiner." NXP/Samsung were not served with the ICA's First Request for Information until **after noon** on May 17, 2016.¹ In their filing, the ICA did not ask the Impartial Hearing Examiner for an extension of the filing deadline nor did they request a good cause exception for missing the filing deadline. Due to the noon filing deadline, for purposes of counting days, the ICA's First Request for Information on NXP and Samsung were ostensibly filed May 18, 2016, after the close of the discovery period. Due to this late filing, NXP and Samsung are discharged of any duty to respond to these RFIs. Therefore, NXP and Samsung are objecting to the ICA's First Request for Information and will not be filing responses.

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¹ NXP and Samsung would also note that these RFI's were not date stamped by Austin Energy until 7:47 AM on May 18, 2016, therefore, NXP and Samsung are relying on the earlier date and time associated with service, which occurred after the deadline.

Respectfully submitted,

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**ATTORNEYS FOR NXP SEMICONDUCTORS AND
SAMSUNG AUSTIN SEMICONDUCTOR, LLC**

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this pleading has been forwarded by fax, e-mail, U.S. first class mail, hand-delivery, or by courier service to all parties and filed with the City Clerk on the 24th day of May, 2016.

Maria Faconti
Maria C. Faconti